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C O N F I D E N T I A L SECTION 01 OF 05 KATHMANDU 000720

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SUBJECT: NEPAL: COUNTDOWN TO THE ELECTION

REF: KATHMANDU 702

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

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11. (C) Nepal will need significant assistance if its planned June 20 Constituent Assembly election is to have a chance of success. Our work in the coming 75 days falls into four main categories: support for the Election Commission and the security forces, support for voter education, diplomatic efforts to support free and fair elections, and support for election monitors. In several areas we cannot afford to wait. For example, election monitors and diplomatic efforts are both necessary now to ensure that the run-up to the election is free and fair. We have limited resources in all of these areas which we are already deploying, but we will require additional support, including additional staffing, if we are to play an effective role that promotes our interests in Nepal. The work the United States and other donors do now to assist the Government of Nepal will help determine whether the Constituent Assembly election provides the basis for a stable, democratic Nepal or proves a failed exercise that undermines this fragile state.

Introduction: Why Does Nepal Count?

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12. (C/NF) If the election is not successful, there are two possible outcomes for Nepal. First, Nepal becomes a failed state fractured along ethnic and caste lines. The current unrest in the Terai is only a taste of what could be if the other ethnic and marginalized groups decide to rise up against the state. If the government cannot create an inclusive election system that gives all Nepalese a voice in the Constituent Assembly, this outcome becomes more likely. The second is a single-party totalitarian state pursuing an anachronistic Maoist ideology. A Maoist state in Nepal almost certainly would provide assistance and sanctuary for Naxalites and extreme leftist militants in India. This outcome would destabilize the Indian state and likely force the Government of India to react, either with an economic embargo or, worse yet, military action. In such a case, it

is unclear how China might react to Indian action so close to its border. Lack of support for Nepal's struggling democracy now could result in a destabilizing effect on the entire South Asia region. A failed Nepal could take other countries in the region down with it.

#### The Difficulty With Diplomacy

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13. (C/NF) The international community is currently of many minds regarding the government's ability to conduct a legitimate election. India's insistence that formation of an Interim Government and a rapid election is the way to make the Maoists responsible for their actions rings hollow to us.

We do not understand why India would be copacetic with a flawed election; the National Democratic Institute told the Ambassador that non-Maoist parties currently had no political space in up to 80 percent of the country's districts. Both India and the European countries will need to explain how a free and fair election will be possible given the continuing Maoist atrocities and their apparent unwillingness to change their actions. (Note: Sources indicate that the Maoists, in a free and fair election, would only gain 10-15 percent of the vote. End note.) A commitment will be needed by everyone in the international community to tell the Maoists that too many abuses in the run-up to the election will result in a flawed election, and that the international community will speak in one voice to condemn such an election miscarriage. Action will be needed by the Department to demarche the relevant capitals to help bring everyone to the same page on this issue. A flawed election in Nepal would mean the end of the peace process; the Maoists could take

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over illegitimately to form a totalitarian state or the government could collapse into the chaos of a failed state fractured along ethnic lines.

#### The UN Needs to Get Serious

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14. (C/NF) We also need to push the UN, through all of its agencies, to get serious about holding the Maoists responsible for their activities in the run-up to the elections. The Office of the High Commissioner for Human Rights (OHCHR) in Nepal has continuously held the government publicly responsible for its past abuses, but holds on to the idea that holding the Maoists publicly responsible could hurt the peace process. Lena Sundh, Representative of OHCHR in Nepal, told the Ambassador that private conversations with the Maoists have produced some movement on individual cases. Meanwhile, insidious Maoist abuses of human rights continue across the country and the OHCHR says nothing publicly. The UN Mission in Nepal (UNMIN), under the leadership of Ian Martin, has been little better. While privately saying that free and fair elections would not be possible by June 20, Martin has refused to publicly say the same thing. To be fair, both OHCHR and UNMIN have taken strong stances against some Maoist abuses. However, the UN needs to be ready to publicly speak out with the rest of the international community if the election, or the run-up to it, is excessively marred by Maoist violence and intimidation. We will continue to push these diplomatic issues vigorously here, but the Department needs to be ready to demarche the UN in New York and Geneva to that end.

#### Technical Challenges Abound

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15. (C) On April Fool's Day this year, Prime Minister Koirala and the Seven-Party Alliance (SPA), which had governed Nepal since the King restored Parliament in April 2006, took the historic step of forming an Interim Government with the Maoists. The Interim Government decided that Nepal would hold a Constituent Assembly election on June 20. Prior commitments by the SPA and the Maoists, including the Interim

Constitution, had bound the Government of Nepal to hold the election by the end of the Nepali month of Jestha (June 14). Even with an additional six days, the Interim Government will be hard-pressed to meet the election deadline. As the Speaker of the Interim Parliament admitted to the Ambassador April 4, the key bill detailing the electoral system, the electoral constituencies, and the inclusion of ethnic minorities had yet to be enacted. The Speaker claimed it would be adopted by mid-April but post is skeptical (reftel).

Furthermore, we have heard from various sources that the Cabinet removed all mention of inclusion for women, ethnic minorities, or dalits from the final election law before passing it to the State Affairs Committee for debate. On April 5, Chief Election Commissioner Bhoj Raj Pokharel reportedly told the new ministers it would be "difficult to hold a credible election due to lack of sufficient time." Among other impediments, Pokharel cited the absence of necessary legislation and regulations, the lack of a finalized voters' list, and the need to print 40 million ballots.

#### Security Uncertain

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¶6. (C) Pokharel also spoke of the need for security -- for candidates, voters and officials. On April 2, re-appointed Home Minister Krishna Sitaula proclaimed he would pursue a new, tough law and order policy. Even if his intentions are good, however, he will face difficult challenges persuading the demoralized security forces to act. Meanwhile, Sitaula's continued presence in the GON is objectionable to ethnic minorities, especially to the Madhesi, who reside in Nepal's Terai on the border with India. They make up perhaps a third of the country's population. The Maoists have been in

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government nearly a week, but post has yet to observe a perceptible decrease in Maoist violence, extortion and intimidation. Their recently formed Young Communist League, which appears to be staffed with large numbers of People's Liberation Army combatants who did not go in to the UN-monitored cantonments, has the lead. Maoists also continue to retain large number of weapons, and the possibility of violence is compounded by large-scale weapons smuggling, including by Madhesi groups. Meanwhile, armed groups are increasingly crossing into the Terai from India.

#### The Role of Key Donors

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¶7. (C) Chief Election Commissioner Pokharel is not alone in expressing doubt about the feasibility of a June election. United Nations Mission in Nepal (UNMIN) chief Ian Martin told Chiefs of Mission a few weeks ago that he did not think a June election was feasible. The UN Development Program's Representative and several other resident Ambassadors told the Ambassador on April 3 the same thing. But the Indian Government, which has the greatest influence here, has decided for what appear to be largely domestic political reasons to push for a June date. UNMIN head Martin is taking advantage of the recent approval of his mission's budget to ramp up its presence in the field. This is on top of its work in supervising Maoists combatants and weapons and robust assistance to the Election Commission. Prime Minister Koirala may also return April 6 from the South Asian Association for Regional Cooperation Summit with promises of additional aid from the Indians, who are already providing substantial assistance to the police. Key European donors and the Japanese are starting to make funds available. But time is short and the needs are great.

#### Support for the Election Commission: More Needed

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¶8. (C) The United States already supports the Election Commission in many ways through USAID's partners, such as the

National Democratic Institute (NDI) and IFES. However, much more support is needed for the Election Commission if the Commission is to be able to conduct a legitimate election. Some priorities for such efforts are:

- Providing the ballots for the Constituent Assembly election. The Election Commission said that the estimated 40 million ballots needed for the election would cost between two and three million USD to produce. Providing all the ballots for the election would be a considerable, tangible, and highly symbolic gesture of U.S. support for Nepal's democracy.
- Assisting in the creation of an "election day control room" for the Election Commission, in coordination with the security services, that could allow real-time information and decisions on election day and allow the Commission to provide support to their people in the field if problems arise.

#### Election Security

¶9. (C) Election security will be a very important aspect of a free and fair election in Nepal. Only when the people feel they are safe to vote their conscience can the results of the election be considered legitimate. We want to support election security by:

- Encouraging the Interim Parliament to pass strong and clear election laws that would allow the Election Commission to disqualify candidates or invalidate polling results in individual stations where security violations are rife.
- Assisting the government to develop a serious pre-election, election, and post-election security plan, with role-playing exercises to map out possible contingencies. The government

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needs to be ready for any possibility before and during the election, including post-election protests by the losing groups.

- Providing training to police officers who will be providing election-day security.
- Strengthening the capacity of the Nepal Police to take action against those who might attempt to disrupt the election.

#### Support for Voter Education

¶10. (C) Support for Nepal's voter education efforts will be vital in the run-up to the election. There is much that we can do to assist the Election Commission's efforts:

- Assisting the Election Commission with media outreach activities, providing training and support for public affairs.
- Printing agreements and educational materials (Peace Agreements, explanatory materials, comic books, etc.).
- Assisting with televised candidate debates.
- Assisting other civic education programs.
- Providing the ability to disseminate election information via radio, television, and print.
- Increasing assistance to the political parties which will play a crucial role in educating voters about the upcoming election. Political parties also need assistance in learning how to effectively work in a democratic system.

#### Voter Education Through Public Diplomacy

¶11. (C) The Embassy's Public Diplomacy section will play a vital role in getting the word out about free and fair elections by:

- Pushing for joint statements from the international community stressing the importance of security to the election and holding the parties accountable for any actions that are counter-productive to a free and fair election.
- Making it clear that U.S. interest in a legitimate election comes from a high-level, either through press statements or a high-level visit in the run-up to the election. (Note: The Carter Center is already quite active in Nepal, and it is possible that former President Carter will come at some point. End note.)
- Producing comic books on democracy themes (something that we have had much success with in the past).
- Organizing "election coverage tours" for journalists during the election campaign to ensure coverage of the election in all parts of the country.
- Encouraging and providing support for international media organizations to cover the elections (Reporters Without Borders, etc.).
- Arranging Digital Video Conferences for many sectors in the run-up to the election (journalists, candidates, high-level supporters, experts, etc.).

#### Support for Observers

¶12. (C) A key priority for us in the coming weeks and months is to get as many international observers as possible on the ground to report on the pre-election and election day

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situation, as well as to provide safety and support for domestic monitors. The Carter Center has had 13 observers in place since last month and through NDI and the Asia Foundation the United States is strengthening consortia of domestic observers. We also have a plan for getting our Embassy staff out across the countryside during the election.

However, we need to bring in as many qualified people, both USG and non-USG, as possible to observe the election. If we can get monitors into most of the 4,000 villages in Nepal, we, and the international community, can make, with a greater degree of certainty, an informed declaration whether the election was legitimate or a sham. We should further this goal by:

- Bringing in Foreign Service Officers and FSNs from other posts in neighboring countries in the few days before the election (for training) and the day of the election for monitoring. These monitors could provide support in the major cities, allowing our officers and FSNs to monitor the situation in more remote areas, where knowledge of language and culture may be more important.
- Providing training (both security and monitoring) to local observers and NGOs. By providing a unified training plan, through a respected NGO that has experience in such matters, we can ensure that all election monitors are on the same page when going out into the field.
- Creating an Embassy Election Officer and Control Room as a hub for information in the run-up to the election and on election day.
- Assisting the Election Commission in preparing an in-brief program for election observers when they arrive in country, regardless of where they are from, to ensure everyone is reading from the same book.

- Encouraging mobilization and training for a number of groups that could be domestic observers (former British Gurkhas, local NGOs, local Bar Associations, and local business communities, to name a few).

Comment: Resources Needed Now

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¶13. (C) The next few months will determine whether Nepal continues on the path toward peaceful multi-party democracy or turns toward a much darker future. We can make a difference in which path Nepal chooses. With less than eleven weeks left before the proposed date for the Constituent Assembly election, the time to act is now. We need to step up our diplomatic efforts, especially with the Government of India, but also with other countries and organizations that will play a role in determining whether the upcoming election is free and fair. We also need additional U.S. funds and people on the ground in Nepal immediately so we can begin implementing the programs listed above. Providing resources to Nepal in the run-up to the election will send a strong message to Nepal's citizens that the U.S. is serious about supporting democracy and will encourage Nepalis to take the necessary steps themselves to make this nationwide election, the first in nearly a decade, a success. Even if the election date slips -- as we suspect it may -- immediate assistance for these programs is vital. The decision to postpone may not be made until the last minute and we cannot gamble on that eventuality. A free and fair election that gives legitimacy to the political parties while taking some of the wind out of the sails of the Maoists will go a long way in moving this country toward stable democracy.  
MORIARTY